

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

TRANSPERFECT GLOBAL, INC.,
TRANSPERFECT TRANSLATIONS INT'L,
INC., and TRANSLATIONS.COM, INC.,

Plaintiffs,

v.

MOTIONPOINT CORP.,

Defendant.

No. C 10-2590 CW

AMENDED ORDER
GRANTING IN PART
TRANSPERFECT'S
MOTION TO SEAL;
DENYING
MOTIONPOINT'S
MOTION TO SEAL
(Docket Nos. 314 &
316)

Plaintiffs TransPerfect Global, Inc., TransPerfect
Translations International, Inc., and Translations.com, Inc.
(collectively, TransPerfect) move to seal portions of their
response to Defendant MotionPoint Corporation's motions in limine
and several of its supporting exhibits. MotionPoint moves to seal
portions of its response to TransPerfect's motions in limine, its
response to TransPerfect's brief on disputed issues of law, and
several supporting exhibits. After reviewing the parties'
submissions, the Court grants TransPerfect's motion to seal in
part and denies it in part and denies MotionPoint's motion to
seal.

I. TransPerfect's Motion to Seal

TransPerfect seeks to seal various excerpts from pages 20
through 24 of its response to MotionPoint's motions in limine as
well as Exhibits 23-26 and 28 to L. Okey Onyejekwe's declaration
in support thereof. It contends that these excerpts and exhibits
contain information about TransPerfect's proprietary technology
and sensitive financial information. After reviewing these

documents the Court finds that TransPerfect has provided good cause for sealing the excerpts on pages 20, 22, and 23 (lines 1-3 only) of its response as well as Exhibits 23-26 to Onkejekwe's declaration. TransPerfect has not, however, provided good cause for sealing the excerpts on pages 23 (lines 25-28) and 24 (lines 1-3) and Exhibit 28 to Onkejekwe's declaration. These excerpts do not discuss -- or even mention -- any sensitive information about TransPerfect's finances and, thus, may not be sealed.

In addition to the documents discussed above, TransPerfect seeks to seal various excerpts and exhibits that MotionPoint has designated confidential. After reviewing these excerpts and exhibits, the Court finds that none of them is sealable. Civil Local Rule 79-5(a) only permits information to be sealed if it is "privileged or protectable as a trade secret or otherwise entitled to protection under the law." MotionPoint cannot seal exhibits or excerpts of TransPerfect's brief merely because they contain allegations about MotionPoint employees. Accordingly, the excerpts on pages 5-14 of TransPerfect's response brief and Exhibits 7-10, 13, and 29-31 to Onkejekwe's declaration may not be sealed.

II. MotionPoint's Motion to Seal

MotionPoint moves to seal (1) several excerpts from its response to TransPerfect's motions in limine; (2) over twenty exhibits to Meghan Bordonaro's declaration supporting that response; and (3) its response to TransPerfect's brief on disputed issues of law. These excerpts and exhibits contain a significant amount of non-sealable information, including descriptions of the patents-in-suit and excerpts of reports that the Court has

1 previously refused to seal.¹ The documents also discuss discounts
 2 MotionPoint offered prospective clients several years ago,
 3 TransPerfect's efforts to purchase MotionPoint several years ago,
 4 and MotionPoint's efforts to compete with TransPerfect for clients
 5 several years ago. MotionPoint has not explained in any detail
 6 how the disclosure of any of this information would harm its
 7 business today. Accordingly, MotionPoint's motion to seal is
 8 denied.

9 CONCLUSION

10 For the reasons set forth above, TransPerfect's motion to
 11 seal (Docket No. 316) is GRANTED in part and DENIED in part.
 12 Within two days of this order, TransPerfect shall file **Exhibit 28**
 13 to Onkejekwe's declaration in the public record. In addition, it
 14 shall publicly file its response to MotionPoint's motions in
 15 limine after redacting the information outlined above.

16 MotionPoint's motion to seal (Docket No. 314) is DENIED.
 17 Within two days of this order, MotionPoint shall publicly file
 18 every previously sealed exhibit to Bordonaro's declaration. It
 19 shall also publicly file unredacted versions of its response to
 20 TransPerfect's motions in limine and its response to
 21 TransPerfect's brief on disputed issues of law.

22 IT IS SO ORDERED.

23
 24 Dated: June 25, 2013


 CLAUDIA WILKEN
 United States District Judge

25
 26
 27 ¹ Some of these excerpts and exhibits were designated confidential
 28 by TransPerfect rather than MotionPoint. However, TransPerfect failed
 to file a declaration supporting its confidential designation of this
 information as it was required to do under Civil Local Rule 79-5(d).